

## CIVIL COVER SHEET

2:18 - 2035

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

## DEFENDANTS

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Bucks  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Martin Stanishine, Esq. (215) 985-4204  
Stanishine & Sigal, P.C.  
1528 Walnut St. Suite 700, Philadelphia, PA 19102

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC § 1983

Brief description of cause:

Attack on prisoner plaintiff

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

MAY 10 2018

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA - DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate judges.

Address of Plaintiff: 5441 Anchor Street Philadelphia, PA 19130

18 2035

Address of Defendant: 1730 S Eastern Rd. Doylestown, PA 18901

Place of Accident, Incident or Transaction: BUCKS County Correctional Facility

1730 S Eastern Rd. Doylestown, PA 18901  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(x))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) \_\_\_\_\_
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney ID.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5-14-18

Martin Dawson

Attorney-at-Law

15388

Attorney ID.#

MAY 10 2018

MMB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE MANAGEMENT TRACK DESIGNATION FORM

v.

.....

CIVIL ACTION

NO. **18** **2035**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

( )

5/3/18  
Date

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Attorney-at-law

Robert Deems  
Attorney for

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(215) 545-0668  
FAX Number

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Alexandria, VA 22314

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Reading, PA 19607

(888) 960-8035

Please Reply To: Philadelphia Office

May 4, 2018

Martin Stanshine

Marc Sigal \*

Donald Litman, Of Counsel \*\*

\* Admitted in NJ & PA

\*\* Admitted in PA, NJ, MD & VA

Pennsylvania Eastern District Court

Attn: Court Clerk

601 Market Street, Suite 2609

Philadelphia, PA 19106

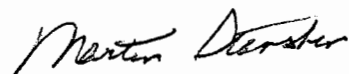
RE: Robert Deems v. Correctional Officer Phillips, et al.

Dear Sir/Madam:

Enclosed please find a Complaint in the above referenced matter. Please file this Complaint in accordance with the Eastern Federal District filing procedures.

Thank you.

Very truly yours,



MARTIN STANSHINE

MS:nb

Enclosure

1480

MMB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT DEEMS  
5041 Anchor Street  
Philadelphia, PA 19120

vs.

CORRECTIONAL OFFICER PHILLIPS  
c/o Bucks County Correctional Facility  
1730 S Easton Road  
Doylestown, PA 18901

and

CORRECTIONAL OFFICER WILLIAMS  
c/o Bucks County Correctional Facility  
1730 S Easton Road  
Doylestown, PA 18901

and

BUCKS COUNTY  
55 E. Court Street, 5<sup>th</sup> Floor  
Doylestown, PA 18901

: CIVIL ACTION

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NO.

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2035

**COMPLAINT**

**I. Jurisdiction**

1. This action is brought pursuant to 42 U.S.C. Section 1983 and Section 1988, and the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. Jurisdiction is based on 28 U.S.C Section 1331 and 1343 and the aforementioned statutory and constitutional provisions. Plaintiff further invokes the supplemental jurisdiction of this Court to hear the said claims arising under state law.

**II. Parties**

2. Plaintiff is, Robert Deems, an adult individual and citizen of the United States of America whose home address is at the address set forth in the caption of this complaint.

3. Plaintiff, Robert Deems, was born on November 26, 1975 and, at the time of the events described below, was 41 years old.

4. Defendant is Correctional Officer Phillips, (hereinafter referred to as "C/O Phillips") whose first name is unknown at this time and who, at all times relevant hereto, worked as a correctional officer at the Bucks County Correctional Facility at the above stated address.

5. Defendant is Correctional Officer Williams (hereinafter referred to as "C/O Williams") whose first name is unknown at this time and who, at all times relevant hereto, worked as a correctional officer at the Bucks County Correctional Facility at the above stated address.

6. Defendant is Bucks County, a municipal entity which owns, manages and controls the Bucks County Correctional Facility.

7. At all times relevant hereto, defendants - Officer Phillips and Officer Williams - were the agents, servants, workmen and/or employees of Bucks County Correctional Facility and of Bucks County and were working within the course and scope of their authority and employment.

8. At all times relevant hereto, plaintiff - Robert Deems - was a prisoner at the Bucks County Correctional Facility.

### **III. Facts**

9. On or about July 1, 2016, a verbal dispute occurred between defendant - C/O Phillips - and plaintiff after which plaintiff, who was sick at the time, went back into his cell and was vomiting in the cell when defendant - C/O Williams - ordered

plaintiff's cellmate to leave the cell area.

10. Immediately after plaintiff's cellmate left the area, defendant - C/O Phillips - came into the cell and punched plaintiff in the face and then slammed his head against the wall while grabbing him by the neck, and then lifted him in the air and swung him towards the bed, causing his head to hit the point of the bed, all causing physical injuries to plaintiff, during which defendant - C/O Williams - was standing at plaintiff's cell door.

11. Plaintiff believes and therefore avers that, by ordering plaintiff's cellmate to leave the cell immediately before C/O Phillips assaulted plaintiff, and by standing by the cell door while this was happening, defendant - C/O Williams - was acting in concert with defendant - C/O Phillips - with regard to the above described assault on plaintiff.

12. As a direct result of the aforementioned assault, plaintiff suffered fractures of at least two of his teeth, which later had to be removed, cuts and bruises, as well as injuries to his right shoulder, neck and back (aggravating pre-existing herniations) as well as severe physical pain and emotional distress.

13. Plaintiff believes and therefore avers that defendant - C/O Phillips - has assaulted several prisoners in the past but has been permitted to stay at his current position - despite the danger of assault and injuries to prisoners including plaintiff herein.

**FIRST CAUSE OF ACTION**  
**CIVIL RIGHTS VIOLATION**

14. Paragraphs one (1) through thirteen (13) of this complaint are hereby incorporated as if each were fully set forth at length herein.

15. As a direct and proximate result of the above described actions of defendants - C/O Phillips, C/O Williams and Bucks County - plaintiff was subjected to a vicious assault and cruel and unusual punishment in violation of his due process rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution and in violation of 42 U.S.C section 1983.

16. As a direct and proximate result of the acts and omissions of defendants - C/O Phillips, C/O Williams and Bucks County - plaintiff suffered damages as set forth above and a deprivation of his rights and liberty interests, all to plaintiff's great detriment and loss.

17. The actions of defendants - C/O Phillips, C/O Williams and/or Bucks County - violated clearly established and well settled federal constitutional rights of plaintiff including the rights described above and including freedom from cruel and unusual punishment and from the use of unreasonable and unjustified force on his person as well as lack of due process.

18. Based on plaintiff's belief and averment that defendant - C/O Phillips - had assaulted other inmates in the past but continued to be permitted to remain as a correctional officer at Bucks County Correctional Facility, plaintiff believes and therefore avers that defendant - Bucks County - has, deliberately or with deliberate

indifference, failed to adequately discipline, train or otherwise direct correctional officers concerning assaultive behavior on inmates, thereby causing the defendant correctional officers in this case to engage in the unlawful conduct described above.

19. Plaintiff is entitled to attorney's fees and costs of prosecution pursuant to 42 USC Section 1988.

### ***SECOND CAUSE OF ACTION*** ***ASSAULT AND BATTERY***

20. Paragraphs one (1) through nineteen (19) of this complaint are hereby incorporated as if each were fully set forth at length herein.

21. The aforementioned actions of defendants - C/O Phillips, C/O Williams and/or Bucks County - put plaintiff in fear of and committed painful and offensive bodily contact with plaintiff, thereby constituting the torts of assault and battery under Pennsylvania law.

### ***THIRD CAUSE OF ACTION*** ***PUNITIVE DAMAGES***

22. Paragraphs one (1) through twenty-one (21) of this complaint are hereby incorporated as if each were fully set forth at length herein.

23. The conduct of defendants - C/O Phillips, C/O Williams and Bucks County - were outrageous, wanton, willful and reckless, thereby entitling plaintiff to punitive damages against the aforesaid defendants.

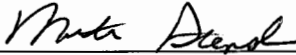
**JURY DEMAND**

26. Plaintiff demands a trial by jury as to each defendant and each claim, cause and count.

**WHEREFORE**, plaintiff demands judgment against each defendant, jointly and/or severally, as to each count, in an amount **in excess** of \$150,000.00 together with costs, attorney's fees, interest and such other and further relief as the court may deem just and proper.

*Respectfully submitted,*

STANSHINE & SIGAL, P.C.

BY: 

**MARTIN STANSHINE, ESQUIRE**

**Identification No: 15388**

Stanshine & Sigal

1528 Walnut Street, Suite 700

Philadelphia, PA 19102

215-985-4204

215-545-0668 (fax)

Attorney for Plaintiff

Dated: February 1, 2018